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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,981	12/08/2000	Tatsu Inoue	Q62169	1757

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EXAMINER	
LAMBRECHT, CHRISTOPHER M	
ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,981	INOUE, TATSU	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-11 and 14-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-11 and 14-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4-11, and 14-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 11, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,073 to Klosterman et al. (Klosterman) in view of U.S. Patent No. 6,732,372 to Tomita et al. (Tomita).

Regarding claims 1, 11, and 25, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a

program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a date setting device for setting a date of the program table to be displayed (cursor in region 410, fig. 4(a), col. 8, ll. 1-6); and a displaying device (software applications, col. 5, ll. 2-6) for extracting the program information corresponding to the date set by said date setting device (410, fig. 4(a)) from among the program information obtained by said program information obtaining device (138, fig. 1), displaying the extracted program information as the program table corresponding to the date set by said date setting device (col. 8, ll. 1-5) and, if the date of the program table is changed by said date setting device, displaying the extracted program information as the program table corresponding to the changed date (i.e., if the cursor in region 410 is set to Wednesday, the schedule information displayed is for Wednesday, col. 8, ll. 2-5) with a display time band set in advance (time band displayed is automatically set to the current time, col. 8, ll. 6-9), wherein said displaying device extracts the program information within a time range including the program which is most recently received (wherein the system automatically sets the display time range to the current time (which is inherently incident with, i.e., includes, the program which is most recently received) when moving the cursor across different days of the week, which includes the present day, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received (i.e., being received as of 8:05pm)) if the date set by said setting

device is the present day (col. 8, ll. 2-9), said displaying device extracts the program information within said display time band having a predetermined time range from a starting time to an ending time both set in advance, (time band displayed is automatically set to the current time, col. 8, ll. 6-9, when moving across different days of the week, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received (i.e., being received as of 8:05pm)), if the date set by said setting device is not the present day (col. 8, ll. 2-9).

Klosterman fails to disclose the predetermined time range has fixed starting and ending times. However, in an analogous art, Tomita discloses a program guide displaying system wherein a displaying device extracts the program information within a time band having a fixed time range from a starting time to an ending time both fixed in advance, if the date set by the date setting is not the present day (col. 12, ll. 34-62, where the "original time" is a user-specified time range set in advance via profile management screen, col. 9, ll. 15-20, col. 11, ll. 1-19), thereby enabling the user to customize the operation of the program guide. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to extract program listings within a predetermined time range having fixed starting and ending times, as taught by Tomita, for the benefit of providing a user-configurable program guide interface.

Regarding claims 21 and 23, Klosterman and Tomita together disclose the program guide displaying apparatus and method according to claims 1 and 11. In addition, Klosterman discloses a time range setting device which sets said time range in accordance with a user's instructions (cursor in region 410, fig. 4(a), col. 8, ll. 1-6, where moving between different days of the week constitutes setting a time range, e.g., a user may transition from a time range corresponding to Wednesday, 4-5PM to Thursday, 4-5PM).

Regarding claims 22 and 24, Klosterman and Tomita together disclose the program guide displaying apparatus and method according to claims 1 and 11. Klosterman further discloses that said displaying device starts displaying the extracted program information as the program table in accordance with a user's instruction (col. 8, ll. 1-9), and said date setting device sets an initial date of the program table at a present day if said displaying device displays the extracted program information in accordance with the user's instruction (where the user selects the present day), and sets the date of the program table at a designated date if said setting device changes the date of the program table in accordance with the user's instruction to designate the date of the program table (where the user selects a different day of the week, col. 8, ll. 1-9).

4. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Tomita, as applied to claims 1 and 11 above, and further in view of U.S. Patent No. 5,621,456 to Florin et al. (Florin).

As for claims 4 and 14, Klosterman and Tomita together disclose a program guide displaying apparatus and method according to claims 1 and 11, but fail to disclose if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed. However, in an analogous art, Florin discloses that if the date of the program table (180, figs. 16 and 17) is changed by said date setting device, said displaying device displays the program table (180) with a display channel range displayed before the date of the program table is changed (i.e., the date has been changed from Thursday 10/15 as shown in fig. 16 to Saturday 10/17 in fig. 17, col. 16, ll. 37-44, and the channel range displayed in fig. 17 is the same as the channel range displayed in fig. 16), for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further modify the system of Klosterman to include if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed, as additionally by Florin, for

the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed in a program guide displaying system.

5. Claims 5, 6, 8-10, 15, 16, 18-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of in view of U.S. Patent No. 5,585,838 to Lawler et al. (Lawler).

With regard to claims 5, 15, and 26, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a displaying device (software applications, col. 5, ll. 2-6) for displaying the obtained program information as the program table including a plurality of program cells (see program cells, fig. 4(a)) as for a predetermined display time range (i.e., 8:00PM – 9:00PM, fig. 4(a)) and a predetermined display channel range (i.e., NBC, KGO, SHOW, HBO, DISN, ESPN, FAM, KRON, KPIX, fig. 4(a)); and a program cell selecting device

(cursor with cursor control enabled by the user) for selecting of the program cells within the displayed program table (col. 7, ln. 45-50 & 8, ll. 6-9).

Klosterman fails to disclose that if the program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program table presently displayed, said displaying device changes the predetermined time range, and displays the program table in such a manner that the start time of the selected program cell is positioned within a leading display time band. However, in an analogous art, Lawler discloses a program guide displaying system wherein if the program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program table presently displayed (see e.g., fig.3), said displaying device changes the predetermined time range, and displays the program table in such a manner that the start time of the selected program cell is positioned within a leading display time band, thereby revealing additional program information and removing undesired program information from the guide as desired by the user (col. 11, l. 61 - col. 12, l. 12, col. 9, ll. 28-40). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include that if the program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program

table presently displayed, said displaying device changes the predetermined time range, and displays the program table in such a manner that the start time of the selected program cell is positioned within a leading display time band, as taught by Lawler, for the benefit of providing the user with intuitive navigational control.

As for claims 6 and 16, Klosterman and Lawler together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15, further comprising a date setting device for setting a date of the program table to be displayed (Klosterman, fig. 4(a), 410, col. 8, ll. 2-6), wherein said displaying device extracts the program information corresponding to the date set by said date setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (i.e., where the day of week selector is set to Wednesday, schedule information for Wednesday is displayed, Klosterman, col. 8, ll. 4-9).

As for claims 8 and 18, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein said displaying said displaying device displays a cursor on the selected program cell (Klosterman, col. 8, ll. 1-9).

As for claims 9 and 19, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table with the display channel range same as before the cell is changed (Lawler, col. 11, ll. 21-36, i.e., navigating the program cell selecting device up or down in the display causes the

program cell to move up or down one program, and the display channel range remains the same where the user has not navigated the cursor beyond the top or bottom of the program table).

As for claims 10 and 20, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table in which the channel of the changed and selected program cell is set as a leading display channel (Lawler, col. 11, l. 61 - col. 12, l. 3).

6. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Lawler as applied to claim 5 above, and further in view of U.S. Patent No. 6,230,323 to Hama et al. (Hama).

With regard to claims 7 and 17, Klosterman and Lawler together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15 further comprising a range setting device for setting the display time range (Klosterman, fig. 4(a), 410) wherein said displaying device extracts the program information within the display time range and displays the extracted program information as the program table (400, fig, 4(a)) (Klosterman, col. 8, ll. 1-9). However, Klosterman and Knowles fail to explicitly disclose a display channel range setting device.

In an analogous art, Hama discloses a range setting device (display channel setting) for setting the display channel range, wherein said displaying device extracts the

program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (col. 9, ll. 32-46), for the purpose of enabling the user to restrict the displayed program range to favorite channels (col. 9, ll. 40-42).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman and Lawler to include range setting device for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table, as taught by Hama, for the purpose of enabling the user to restrict the displayed program range to favorite channels in a program guide displaying system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
Examiner
Art Unit 2623

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